

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BRIAN A. JAMISON,

:

Petitioner,

Case No. 3:09-cv-297

:

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

Warden, Chillicothe Correctional
Institution,

:

Respondent.

ORDER

This habeas corpus case is before the Court on Petitioner's Application for Stay Pending Review by the Sixth Circuit (Doc. No. 33). Although the document bears the title just recited, it does not ask this Court for any action, but merely notifies the Court that Petitioner intends to file a petition for writ of mandamus in the Sixth Circuit. Petitioner does not state what act he believes this Court should have done which it has not and which he will now seek to have the Circuit command us to do.

At this point Judge Rice has denied a certificate of appealability and leave to appeal *in forma pauperis* (Doc. Nos. 24, 30). Furthermore, the Magistrate Judge has recommended that Petitioner's Belated Notice of Appeal, construed as a motion for extension of time in which to appeal, should be denied (Doc. No. 28) and Petitioner has objected to that Report (Doc. No. 32). The only action remaining for this Court is for Judge Rice to rule on the Report and the Objections. Petitioner has stated no basis in his Application for Stay as to why this Court should refrain from deciding the

pending matter until the Sixth Circuit rules on any possible mandamus action.

Accordingly, the Application for Stay is DENIED.

March 29, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge